IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1426 OF 2004
IN
COURT CASE NO.361/S/2003
OF THE ELARNED METROPOLITAN MAGISTRATE'S
44TH COURT, ANDHERI, MUMBAI.

Mr.Shrinath Pushkarna
and Ors. ...Applicants

Vs.

Mr.Gautam Patel
and Anr. ...Respondents

Mr.V.V.Chari with Mr.M.Unnikrihshnan for Advocate for Applicants
Mr.A.H.H.Ponda Advocate for Respondent no.1
Mr.V.B.Konde-Deshmukh A.P.P. for the State

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 10, 2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Metropolitan Magistrate, 44th Court in CC No. 261 of 2003. In the said case, the process has been issued against the applicants

under Sections 341, 342, 347, 348, 357, 383 to 387, 389, 441, 442, 447, 448, 452, 499, 500, 503, 506(i) and (ii) r.w. 120A and 120B and 34 of the IPC.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and order dated 9th June, 2005 in Cri.Application No.1379 of 2005, in my view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. In order to enable the applicants to prefer the necessary revision against the order of the learned Magistrate issuing process, the proceedings before the trial Court are stayed for a period of four weeks from today.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court,

the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]